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November 13, 2020

Via ECF

The Honorable Judge Kiyo A. Matsumoto  
United States Courthouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Agudath Israel of America, et al. v. Cuomo*, No. 20-cv-04834 (E.D.N.Y.)(KAM)(RML)

Dear Judge Matsumoto:

This Office represents Defendant Andrew M. Cuomo in his official capacity as the Governor of the State of New York (“Governor Cuomo”) in the above-referenced action. I write pursuant to Your Honor’s Order of November 10, 2020 directing the parties to advise the Court on how they intend to proceed given the Second Circuit’s Order denying Plaintiffs’ motion for an injunction pending appeal.

The parties jointly request that the pre-motion conference on Governor Cuomo’s proposed motion to dismiss be adjourned until after the Second Circuit issues an opinion resolving Plaintiffs’ expedited appeal of this Court’s denial of Plaintiffs’ preliminary injunction motion. Pursuant to the Second Circuit’s Order, the parties’ briefing on Plaintiffs’ appeal will be completed by December 14, and the matter is to be calendared as early as the week of December 14. *See Agudath Israel of America, et al. v. Cuomo*, No. 20-3572 (2d Cir.), Dkt. 97 (ECF No. 20). Governor Cuomo anticipates that the appellate decision will inform the briefing on the dismissal motion. Governor Cuomo also requests, with Plaintiffs’ consent, that the Court stay discovery pending the setting of a briefing schedule at the pre-motion conference.

Governor Cuomo made one prior request to adjourn the pre-motion conference, which was granted. Plaintiffs’ prior request to adjourn it until after oral argument on the expedited appeal was implicitly denied; however, the Governor did not take a position on Plaintiffs’ request at that time.

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Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,

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Todd A. Spiegelman  
Assistant Attorney General

cc: All counsel of record (via ECF)